

### **REMARKS**

Claims 1-44 were pending. Claims 18, 23, 25 and 27 are amended. Claims 1-17 and 38-44 are canceled without prejudice or disclaimer of subject matter. No new claims are added. Accordingly claims 18-37 will be pending upon entry of the above amendment.

Claim 25 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 18-29 were rejected under 35 U.S.C. § 102(b) as being anticipated by Vollmer (US 6,149,051). Claims 30-37 were allowed.

#### **Claim Amendments**

Claim 18 is amended to limit the weight percent of Zr that may be present, if any, in the braze material. Support for this amendment may be found at least in original claim 20 and paragraph [017] of the originally filed specification. Claim 23, 25 and 27 are amended to limit the weight percent of Ni to be within the range of claim 18. Support for this amendment may be found at least in originally filed claim 18. No new matter is added.

#### **Allowable Subject Matter**

Applicants thank the Examiner for his indication of allowed claims 30-37.

#### **Examiner Interview**

Applicants thank the Examiner for his time and willingness to discuss this pending matter. A telephone interview was conducted with the Examiner to discuss the rejection of the claims as made in the outstanding Office Action.

Applicants proposed amending the claims to limit the amount of Zr present in the brazing material of the present invention. Applicants submitted to the Examiner that such a limitation would be outside the teachings of Vollmer. The claim amendments proposed to the Examiner are those made above. While no specific agreement was reached, the Examiner agreed to consider the proposed amendments in view of the cited references.

#### Election / Restriction

Applicants affirm the telephonic provisional election made on 11-9-05 to prosecute the invention of Group IIa, claims 18-37.

#### Claim Rejections – 35 U.S.C. § 112

Claim 25 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for claiming a range of Ni broader than that in the claim from which it depends. While not acquiescing to the merits of the rejection, Applicants have amended claim 25 to limit the amount of Ni to be at least within the range claimed in the claim from which claim 25 depends.

For the above reason, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 25 as being indefinite under 35 U.S.C. § 112, second paragraph.

Vollmer (US 6,149,051)

Vollmer discloses a braze material comprising substantially only a Ti-Cu-Ni-Zr mixture. In particular, the braze material may comprise 40Ti-20Cu-20Ni-20Zr.

Claims 18-27 stand rejected under 35 USC 102(b) as being anticipated by Vollmer. Claim 18 has been amended to require the amount of Zr present, if any, in the braze material to be less than 12 wt%. The brazing material of Vollmer contains relative amounts of the constituents at about 25-60 wt. % Ti, 10-25 wt. % Cu, 15-25 wt. % Ni and 15-25 wt. % Zr. Preferably, the braze mixture of Vollmer comprises 20 wt. % Zr. See Vollmer, column 5, lines 39-44.

The braze material of the present invention does not require Zr, and may include Zr at a weight percent less than what is preferred by the teachings of Vollmer. This is desirable because it reduces cost with no performance debit. Thus, the braze material of Vollmer differs from that used in the present invention, as described in claim 18, as amended.

Moreover, alloy additions of the elements M and PM (as claimed in, for example, claims 22, 23, 25, 26, 27 and 28), is intentional and has been discovered by the Applicants to have potentially desirable effects on the braze material. The Examiner references Vollmer at column 5, lines 35-45 for providing a teaching of elements M and PM as instantly claimed. Applicants respectfully disagree with this finding, as Vollmer describes elements, such as V, Cr, Sn and Al, that may be present in the braze mixture as impurities. Impurities are usually considered undesirable and are generally present in relatively small amounts (less than about 1 %). A person of ordinary skill in the art would not be motivated to include these materials in their braze material as

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nothing more beyond impurities. Therefore, Applicants respectfully submit that the addition of elements M and PM is neither anticipated nor rendered obvious by the disclosure of Vollmer.

For the above reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 18-29 as being anticipated by Vollmer.

### CONCLUSION

Applicant again would like to thank the Examiner for taking the time to discuss the proposed amendments in a telephone interview. Reconsideration and withdrawal of the Office Action with respect to claims 18-37 are requested. Applicant submits that claims 18-37 are now in condition for allowance. Early notice to that end is earnestly solicited.

In the event that the examiner wishes to discuss any aspect of this response, please contact the attorney at the telephone number identified below.

Respectfully submitted,

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